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**OFFICE OF PETITIONS**

In re Application of	:	
Boyd et al.	:	
Application No. 10/721,743	:	DECISION REFUSING STATUS
Filed: November 26, 2003	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 82001-0397	:	
Title: Configurable Pricing Optimization System	:	
	:	

This is in response to the petition filed September 27, 2004.

The petition under 37 CFR. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on November 26, 2003, without an executed oath or declaration. Accordingly, on February 26, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of April 26, 2004.

In reply, applicant filed a petition, the surcharge for late filing of the declaration and the declaration of attorney Nelson. To make the reply timely, a five (5) month extension of time was also submitted. In support of the petition, applicants submitted a copy of federal express receipts and correspondence mailed to non-signing inventors.

A grantable petition under 37 CFR. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirements (2).

As to item (2), the declaration submitted is not in compliance with 37 CFR 1.63 . Rule 47 applicant failed to provide the citizenship of all of the inventors pursuant to 37 CFR 1.63 (a)(3). Specifically, petitioner failed to provide the citizenship of inventor Balepur. On renewed petition, a newly executed declaration is required.

**Further correspondence with respect to this matter should be addressed as follows:**

By mail: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
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By facsimile: (703) 872-9306

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Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charles R. Jones

**Charlema R. Grant**  
**Petitions Attorney**  
**Office of Petitions**